

Message Text

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FOR SCICOUNS JUSTIN BLOOM

E.O. 11652: N/A

TAGS: TPHY, OSCI, JA

SUBJECT: DRAFT US-JAPAN COOPERATIVE AGREEMENT IN HEALTH,
BIOMEDICAL RESEARCH AND REHABILITATION

THE FOLLOWING IS A DRAFT OF THE PROPOSED "UMBRELLA" HEALTH
AGREEMENT WITH JAPAN WHICH HEW HAS SUBMITTED TO THE
DEPARTMENT FOR REVIEW.

'AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF
AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN THE
FIELDS OF HEALTH, BIOMEDICAL RESEARCH, AND REHABILITATION

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF JAPAN:

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REALIZING THE IMPORTANCE TO SOCIETY OF ACHIEVING AND MAIN-
TAINING AN ADEQUATE LEVEL OF HEALTH FOR ALL PEOPLE;

RECOGNIZING THE IMPORTANT ROLE PLAYED BY HEALTH, BIOMEDICAL
RESEARCH, AND REHABILITATION PROGRAMS IN IMPROVING THE
QUALITY OF LIFE OF A SOCIETY;

BUILDING ON EXISTING COOPERATION IN THE HEALTH FIELD WHICH HAS EVOLVED OVER THE PAST TWENTY YEARS WITH GREAT SUCCESS; DESIRING TO INCREASE COMMUNICATIONS AND COLLABORATIVE ACTIVITIES BETWEEN OUR TWO SCIENTIFIC COMMUNITIES;

RECOGNIZING THE DESIRABILITY OF JOINING IN A COMMON EFFORT TO PROMOTE THE FURTHER DEVELOPMENT OF HEALTH;

AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE BINATIONAL REVIEW PANEL ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN, MARCH, 1976;

HAVE AGREED TO AN EXPANDED HEALTH COOPERATION ACCORDING TO THE FOLLOWING TERMS AND CONDITIONS:

ARTICLE 1

THE SIGNING PARTIES HEREBY AGREE TO DEVELOP AND EXTEND MUTUALLY BENEFICIAL COOPERATION IN THE FIELDS OF HEALTH, INCLUDING BIOMEDICAL RESEARCH, AND REHABILITATION. IN ORDER TO EFFECT SUCH COOPERATION, THE PARTIES WILL ENCOURAGE AND FACILITATE THE ESTABLISHMENT OF REGULAR FORMAL AND INFORMAL CONTACTS BETWEEN UNITED STATES AND JAPANESE MEDICAL INSTITUTIONS AND ORGANIZATIONS AND SCIENTISTS. RECOGNIZING THE IMPORTANCE OF TECHNOLOGY TO SUCCESSFUL RESEARCH EFFORTS, THE PARTIES ALSO WILL ENCOURAGE AND FACILITATE EXCHANGES OF EQUIPMENT, PHARMACEUTICAL PRODUCTS, AND TECHNOLOGICAL DEVELOPMENTS IN LIMITED OFFICIAL USE

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THE FIELDS OF HEALTH AND REHABILITATION. SPECIFIC ACTIVITIES UNDERTAKEN AS PART OF THIS COOPERATION MAY INCLUDE:

A. COLLABORATIVE SCIENTIFIC RESEARCH PROGRAMS AND OTHER ACTIVITIES IN HEALTH AND REHABILITATION FIELDS OF MUTUAL INTEREST;

B. EXCHANGES OF INDIVIDUALS AND DELEGATIONS;

C. COLLOQUIA, WORKSHOPS, SCIENTIFIC CONFERENCES, AND LECTURES;

D. EXCHANGE OF SCIENTIFIC AND TECHNICAL PUBLICATIONS AND INFORMATION;

E. TECHNICAL CONSULTATION AND ADVICE ON INDIVIDUAL RESEARCH ACTIVITIES;

F. EXCHANGE OF MATERIALS, DRUGS AND BIOLOGICALS.

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ARTICLE 2

ALL COOPERATIVE ACTIVITIES UNDERTAKEN UNDER THE SPONSORSHIP OF BOTH PARTIES AND THE TERMS OF THIS AGREEMENT WILL COLLECTIVELY BE KNOWN AS THE UNITED STATES-JAPAN COOPERATIVE HEALTH, BIOMEDICAL RESEARCH, AND REHABILITATION PROGRAM HEREINAFTER REFERRED TO AS THE PROGRAM. THIS PROGRAM WILL INCORPORATE ALL ONGOING FORMAL COOPERATIVE HEALTH AND REHABILITATION ACTIVITIES AND ALLOW FOR THE EXPANSION OF ACTIVITIES INTO NEW AREAS. THE PROGRAM WILL INITIALLY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBSTANTIVE AREAS:

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A. BIOMEDICAL RESEARCH

B. HEALTH AND REHABILITATION ACTIVITIES

C. OTHER ACTIVITIES AS MUTUALLY AGREED

ARTICLE 3

THE PARTIES WILL DELEGATE THE PRACTICAL IMPLEMENTATION OF THIS AGREEMENT TO THE ASSISTANT SECRETARY FOR HEALTH, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE FOR THE GOVERNMENT OF THE UNITED STATES AND TO FOR THE GOVERNMENT OF JAPAN. THESE TWO RESPONSIBLE AGENTS SHALL BE IDENTIFIED AS PRINCIPAL COORDINATORS AND SHALL BE ACCOUNTABLE FOR ALL ACTIVITIES UNDER THE PROGRAM.

THE PRINCIPAL COORDINATORS SHALL APPOINT SUCH PROGRAM COORDINATORS IN THE MAJOR SUBSTANTIVE AREAS AS NECESSAR FOR THE PURPOSES OF ADEQUATE PROGRAM COORDINATION AND MANAGEMENT. THESE PROGRAM COORDINATORS SHALL NOT EXCEED FOUR FROM EACH PARTY UNLESS BOTH PARTIES AGREE THAT MORE ARE WARRANTED.

THE PRINCIPAL COORDINATOR AND THEIR PROGRAM COORDINATORS SHALL CONSTITUTE A UNITED STATES-JAPAN JOINT COMMITTEE FOR HEALTH, BIOMEDICAL RESEARCH, AND REHABILITATION COOPERATION. DECISIONS TO UNDERTAKE COOPERATION IN ANY NEW MAJOR SUBSTANTIVE AREA UNDER THE PROGRAM OR TO CEASE COOPERATION IN AN EXISTING MAJOR SUBSTANTIVE AREA WILL REQUIRE THE APPROVAL OF THE JOINT COMMITTEE. DEVELOPMENT, MANAGEMENT, MODIFICATION OR TERMINATION OF ACTIVITIES

WITHIN EACH MAJOR SUBSTANTIVE AREA SHALL BE THE RESPONSIBILITY OF THE COOPERATING INDIVIDUAL TECHNICAL INSTITUTIONS. THE PRINCIPAL COORDINATORS FROM BOTH PARTIES WILL BE ADVISED AS SUCH CHANGES OCCUR.

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THE JOINT COMMITTEE SHALL MEET AT LEAST ONCE EVERY TWO YEARS TO REVIEW AND EVALUATE THE PROGRAM. AT THIS TIME, THE JOINT COMMITTEE MAY IDENTIFY NEW MAJOR SUBSTANTIVE AREAS, OR RECOMMEND SPECIFIC COOPERATIVE ACTIVITIES.

ARTICLE 4

COOPERATION SHALL BE UNDERTAKEN IN ACCORDANCE WITH APPLICABLE LAWS OF BOTH PARTIES AND SUBJECT TO THE AVAILABILITY OF FUNDS. IT SHALL BE FINANCED ON THE BASIS OF RECIPROCAL ARRANGEMENTS WORKED OUT BY THE JOINT COMMITTEE USING THE RESOURCES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF THE GOVERNMENT OF THE UNITED STATES AND THE OF THE GOVERNMENT OF JAPAN, AS WELL AS THE RESOURCES OF INSTITUTIONS PARTICIPATING IN DIRECT INSTITUTIONAL COOPERATION.

ARTICLE 5

THE PARTIES WILL AFFORD APPROPRIATE INTERNATIONAL ORGANIZATIONS SUCH AS WHO THE OPPORTUNITY OF DRAWING ON THE KNOWLEDGE GAINED BY THE PARTIES, INCLUDING KNOWLEDGE GAINED IN THE COURSE OF THEIR JOINT EFFORTS.

ARTICLE 6

EACH PARTY SHALL USE ITS BEST EFFORTS TO FACILITATE ENTRY TO AND EXIT FROM ITS TERRITORY OF PERSONNEL AND EQUIPMENT OF THE OTHER COUNTRY, ENGAGED ON OR USED IN PROJECTS AND PROGRAMS UNDER THIS AGREEMENT.

ARTICLE 7

A. SCIENTIFIC AND TECHNICAL INFORMATION OF A NON-PROPRIETARY NATURE DERIVED FROM THE COOPERATIVE ACTIVITIES CONDUCTED UNDER THIS AGREEMENT SHALL BE MADE LIMITED OFFICIAL USE

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AVAILABLE TO THE WORLD SCIENTIFIC COMMUNITY THROUGH

CUSTOMARY CHANNELS AND IN ACCORDANCE WITH THE NORMAL PROCEDURES OF THE PARTICIPATING AGENCIES.

B. THE DISPOSITION OF PATENTS, DESIGNS AND OTHER INDUSTRIAL PROPERTY ARISING FROM THE COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT WILL BE PROVIDED FOR IN THE IMPLEMENTING ARRANGEMENTS MADE PURSUANT TO THIS AGREEMENT.

ARTICLE 8

THE SIGNING PARTIES ENVISAGE THAT SIMILAR ARRANGEMENTS FOR COOPERATION IN THE AREAS OF SOCIAL WELFARE AND SOCIAL SECURITY WILL BE DEVELOPED.

ARTICLE 9

THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE AND SHALL REMAIN IN FORCE FOR FIVE YEARS. IT MAY BE MODIFIED OR EXTENDED BY MUTUAL AGREEMENT OF THE PARTIES. THE TERMINATION OF THIS AGREEMENT SHALL NOT BY ITSELF AFFECT THE VALIDITY OR DURATION OF ANY COOPERATIVE ACTIVITIES BEGUN UNDER IT. THIS AGREEMENT SHALL UPON ENTRY INTO FORCE, SUPERSEDE ALL PREVIOUS AGREEMENTS IN THE FIELDS OF HEALTH AND REHABILITATION IN FORCE BETWEEN THE PARTIES AT THAT TIME.

DONE AT THIS DAY OF , 1977,
IN THE ENGLISH AND JAPANESE LANGUAGES, BOTH TEXTS BEING
EQUALLY AUTHENTIC.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF JAPAN:

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ACTION REQUESTED: DRAFT AGREEMENT HAS JUST BEEN RECEIVED AND IS UNDERGOING REVIEW WITHIN THE DEPARTMENT. REQUEST EMBASSY REVIEW AND COMMENT ON THE AGREEMENT TO ENABLE US TO FORMULATE DEPARTMENT-WIDE POSITION AND PREPARE FINAL DRAFT PRIOR DISCUSSIONS WITH JAPANESE FOREIGN OFFICE. CIRCULAR 175 CLEARANCE INITIATED TODAY. THIS MUST BE COMPLETED BEFORE DISCUSSIONS WITH JAPANESE. IN VIEW COOPERATIVE MEDICAL SCIENCE PROGRAM MEETING HONOLULU FEBRUARY 3-4, WOULD APPRECIATE PROMPT CABLE RESPONSE TO SPEED PREPARATION FINAL DRAFT FOR SUBMISSION JAPANESE FOREIGN OFFICE.
KISSINGER

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